

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADOLFO A. ROSARIO,	:	CIVIL ACTION - LAW
Plaintiff	:	
	:	NO.
v.	:	
CHARLES R. HILDEBRAND, ESTES	:	
EXPRESS LINES CORPORATION and	:	
ESTES EXPRESS LINES,	:	JURY TRIAL DEMANDED
Defendants	:	
	:	

COMPLAINT

Jurisdiction And Venue

1. The amount in controversy exceeds the sum of \$150,000.00 exclusive of interest and costs.
2. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §1332, because the citizenship of the parties is diverse and the amount in controversy for each claim detailed herein is in excess of \$75,000.00.
3. Venue is proper pursuant to 28 U.S.C. §1391(b)(2) as the events giving rise to this cause of action occurred in Lehigh County in the Eastern District of Pennsylvania.

Parties

4. Plaintiff, Adolfo A. Rosario, is an adult individual residing at 119 West Douglass Street, Reading, Berks County, Pennsylvania 19601.
5. Defendant, Charles R. Hildebrand, is, upon information and belief, an adult individual residing at 27599 Dunstan Court, Milton, Delaware 19968 (hereinafter referred to as "Hildebrand").

6. Defendant, Estes Express Lines Corporation, is, upon information and belief, a business corporation organized and existing under the laws of the Commonwealth of Virginia with a principal place of business located at 3901 West Broad Street, Richmond, Virginia 23230

7. Defendant, Estes Express Lines, is, upon information and belief, a corporation organized and existing under the laws of the Commonwealth of Virginia with a principal place of business located at 3901 West Broad Street, Richmond, Virginia 23230 (hereinafter Estes Express Lines Corporation and Estes Express Lines are collectively referred to as “Estes”).

Factual Background

8. On or about December 21, 2018 at approximately 4:13 a.m., Plaintiff was lawfully operating his motor vehicle in a generally easterly direction on Interstate 78 in the vicinity of milepost 55 in Salisbury Township, Lehigh County, Pennsylvania.

9. At all times material hereto, Plaintiff was operating his vehicle in the center lane of travel of Interstate 78.

10. At all times material hereto, the weather conditions were rainy and the roadway surface was wet.

11. On or about the aforesaid date at the aforesaid approximate time, Hildebrand was operating a tractor trailer owned by Estes in a generally westerly direction on Interstate 78 in Salisbury Township, Lehigh County Pennsylvania in the vicinity of milepost 55.

12. Plaintiff believes and therefore avers that, at all times material hereto, Hildebrand was operating the tractor trailer in his capacity as the agent, servant, workman, employee and/or assign of Estes and/or under the charge, direction and/or control of Estes.

13. Plaintiff believes and therefore avers that, at all times material hereto, Hildebrand was operating Estes' tractor trailer at speeds too great for the conditions of the roadway then and there existing.

14. Suddenly and without warning, Hildebrand negligently, carelessly and/or recklessly caused Estes' tractor trailer to violently collide with the center concrete median which separates the eastbound and the westbound lanes of travel of Interstate 78, thereby causing large pieces and/or chunks of concrete and other debris to be propelled into and scattered about the eastbound lanes of travel of eastbound Interstate 78.

15. Suddenly and without warning as Plaintiff was lawfully proceeding as aforesaid and utilizing due care under the circumstances, he encountered the aforesaid debris on the roadway, was unable to avoid it and violently collided with it, thereby causing him to lose control of and/or crash his vehicle.

Plaintiff's Injuries and Damages

16. As a result of the aforesaid occurrences and the concurrent negligence, carelessness and/or recklessness of Defendants in causing them, Plaintiff suffered the following serious and permanent injuries:

- a. A left mid-shaft fracture of the radius;
- b. A closed fracture of the left lateral malleolus of the left fibula;
- c. A fracture of the medial malleolus of the right tibia; and
- d. Bruises, cuts, abrasions and other injuries.

17. As a result of the foregoing, Plaintiff was transported via ambulance to Lehigh Valley Hospital where he was admitted into the emergency department.

18. As a result of the foregoing, a surgical procedure known as a volar plate fixation was performed on Plaintiff's left arm.

19. As a result of the foregoing, Plaintiff has been and may in the future be required to undergo x-rays, CAT scans, MRI's and other invasive medical procedures, as well as ingest various medications and painkillers.

20. As a result of the foregoing, Plaintiff has endured and continues to endure great pain and suffering.

21. As a result of the foregoing, Plaintiff has and will continue to suffer the diminution in his ability to enjoy and life's pleasures.

22. As a result of the foregoing, Plaintiff was medically restricted from working for a period of more than three (3) months.

23. As a result of the foregoing, Plaintiff has suffered a loss of earnings and/or a loss of earning capacity in a presently undeterminable amount.

24. As a result of the foregoing, Plaintiff's economic horizons have been dimmed and he has and will continue to suffer further anxieties, nervousness and depression.

25. As a result of the foregoing, Plaintiff has and continues to suffer from embarrassment, humiliation and mental anguish.

26. As a result of the foregoing, Plaintiff has been and continues to be unable to engage in normal recreational activities and/or household chores.

27. As a result of the foregoing, Plaintiff has required and/or will require further medical treatment which has resulted in past, present and/or future medical expenses.

28. As a result of the foregoing, Plaintiff has been unable to enjoy the pleasures of life and his ability to enjoy said pleasures may be impaired for the remainder of his natural life.

29. As a result of the foregoing, Plaintiff has been disfigured.

30. As a result of the foregoing, Plaintiff has undergone and may continue to undergo further medical care and/or therapies in an attempt to adjust the overall quality of his life.

COUNT I

ADOLFO A. ROSARIO

v.

CHARLES R. HILDEBRAND

(Negligence, Carelessness and Recklessness)

31. Plaintiff hereby incorporates the allegations set forth in Paragraphs 1 through 30 as though the same were set forth herein in their entirety.

32. The violent crash and the serious and permanent injuries suffered by Plaintiff were caused by the concurrent negligence, carelessness and/or recklessness of Hildebrand as follows:

- a. In being negligent per se by driving his vehicle in a careless disregard for the safety of other persons and property, in violation of Pa. C.S.A. §3714;
- b. In being negligent per se by driving a vehicle at a speed greater than that which is reasonable and prudent under the conditions and having a regard to the actual and potential hazards then and there existing and at a speed greater than that which would have permitted him to bring his to a safe stop within the assured clear distance ahead, in violation of 75 Pa. C.S.A. §3361;
- c. In being negligent per se by failing to drive his vehicle as nearly as practicable entirely within a single lane and/or moving from said lane without first ascertaining that said movement could be made with safety where the

roadway had been divided into two (2) or more clearly marked lanes for traffic, in violation of 75 Pa. C.S.A. §3309(1);

- d. In being negligent-per se by failing to operate his vehicle on the right half of the roadway, in violation of 75 Pa. C.S.A. §3301(a);
- e. In operating his vehicle at an excessive speed considering the visibility, potential hazards then and there existing and the assured clear distance ahead;
- f. In failing to properly apply the brakes of his vehicle at a time when said vehicle could or should have been able to have been brought to a safe stop prior to colliding with the aforesaid concrete median;
- g. In failing to test the brakes of his vehicle before operating it;
- h. In failing to have his vehicle under proper and adequate control;
- i. In operating his vehicle while extremely tired or under mental or physical incapacity or while otherwise incompetent to do so;
- j. In operating his vehicle in such a manner as to disregard the rights of Plaintiff and/or other users of Interstate 78;
- k. In causing or allowing his vehicle to leave its proper lane of travel and/or strike and/or collide with the aforesaid concrete median;
- l. In causing and/or allowing his vehicle to strike the concrete median and spread large pieces of concrete and/or debris throughout the eastbound lanes of travel of Interstate 78;
- m. In failing to sound his horn or otherwise warn Plaintiff of the dangerous condition of the eastbound lanes of travel of Interstate 78;

- n. In causing and/or allowing his vehicle to crash into the aforesaid concrete median;
- o. In failing to keep his vehicle in the proper lane of travel; and
- p. In otherwise being negligent under the circumstances.

WHEREFORE, Plaintiff, Adolfo A. Rosario, demands that judgement be entered in his favor against Defendant, Charles R. Hildebrand, in an amount in excess of \$150,000.00 as well as the costs of this suit.

COUNT II

**ADOLFO A. ROSARIO
v.
ESTES EXPRESS LINES CORPORATION
AND ESTES EXPRESS LINES
(Vicarious Liability/Respondeat Superior)**

33. Plaintiff hereby incorporates the allegations set forth in Paragraphs 1 through 32 as though the same were set forth herein in their entirety.

34. At all times material hereto, Estes was acting through its respective agents, servants, workmen, employees, representatives and/or assigns, including but not limited to Hildebrand, who were under the charge, direction, control and/or management and/or on the business of Estes.

35. Estes is liable for the negligent, careless and/or reckless conduct of Hildebrand and/or its other respective employees, agents, servants, workmen, representatives and/or assigns for any conduct which resulted in in the harms suffered by Plaintiff which are more fully described herein.

WHEREFORE, Plaintiff, Adolfo A. Rosario, demands that judgement be entered in his favor against Defendants, Estes Express Lines Corporation and/or Estes Express Lines, in an amount in excess of \$150,000.00 as well as the costs of this suit.

COUNT III

ADOLFO A. ROSARIO

v.

**ESTES EXPRESS LINES CORPORATION
AND ESTES EXPRESS LINES
(Negligent Entrustment and/or Supervision)**

36. Plaintiff hereby incorporates the allegations set forth in Paragraphs 1 through 35 as though the same were set forth herein in their entirety.

37. The violent crash and the serious and permanent injuries suffered by Plaintiff were caused by the concurrent negligence, carelessness and/or recklessness of Estes as follow:

- a. Failing to exercise reasonable care in the selecting, hiring, retaining, screening, monitoring, supervising and/or evaluating of the personnel who operated its vehicles, including but not limited to Hildebrand;
- b. Failing to adequately investigate the qualifications of Hildebrand to operate its vehicle;
- c. Allowing the operators of its vehicles, including but not limited to Hildebrand, to do so without regard to the rights of other lawful users of the roadways, including but not limited to Plaintiff;
- d. In failing to take the steps necessary to protect individuals such as Plaintiff from Hildebrand's negligent operation of its vehicles on the roadway;

- e. In employing Hildebrand and entrusting its tractor trailer to Hildebrand despite his tendencies to operate it negligently and/or contrary to the rules of the road and/or applicable law, all of which it knew or should have known;
- f. In allowing Hildebrand to operate its vehicles on the roadway despite the fact that it knew or should have known of his inability and/or unwillingness to do so safely; and
- g. In otherwise being negligent under the circumstances.


WHEREFORE, Plaintiff, Adolfo A. Rosario, demands that judgment be entered in his favor against Defendants, Estes Express Lines Corporation and/or Estes Express Lines, in an amount in excess of \$150,000.00 as well as the costs of this suit.

Demand for Jury Trial

Plaintiff hereby demands a trial by jury on all issues triable.

Respectfully submitted,

LEISAWITZ HELLER ABRAMOWITCH PHILLIPS, P.C.



Kenneth Millman, Esquire
Attorney I.D. No. 75272
2755 Century Boulevard
Wyomissing, PA 19610
(610) 372-3500
Attorneys for Plaintiff

The JS 44 civil cover sheet and the information contained herein are to be placed in the case file to supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

ADOLFO A ROSARIO

(b) County of Residence of First Listed Plaintiff **BERKS, PA**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Kenneth Millman, Esquire, The Law Firm of Leisawitz Heller
2755 Century Boulevard, Wyomissing, PA 19610
(610) 372-3500

DEFENDANTS

CHARLES R. HILDEBRAND, ESTES EXPRESS LINES CORPORATION AND ESTES EXPRESS LINES

County of Residence of First Listed Defendant **SUSSEX, DE**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
28 USC 1391(b)(2) / Pa C.S.A. 3714

Brief description of cause
Diversity / Careless disregard for the safety of other persons and property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE
01/28/2020

SIGNATURE OF ATTORNEY OF RECORD

JAN 30 2020

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

540

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 119 West Douglass Street, Reading, Berks County, PA 19601

Address of Defendant: 27599 Dunstan Court, Milton, Sussex County, DE 19968

Place of Accident, Incident or Transaction: Interstate 78 near Milepost 55 in Salisbury Twp., Lehigh County, PA

RELATED CASE, IF ANY:

Case Number _____ Judge: ALR Date Terminated: _____Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | | |
|---|---|------------------------------|--|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE 01/28/2020 [Signature] Attorney-at-Law / Pro Se Plaintiff 75272 Attorney ID # (if applicable)CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FELA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☐ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☐ 11 All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- ☒ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Kenneth Millman, Esquire, counsel of record or pro se plaintiff, do hereby certify

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.
- ☐ Relief other than monetary damages is sought.

DATE 01/28/2020 [Signature] Attorney-at-Law / Pro Se Plaintiff JAN 30 2020 75272 Attorney ID # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

JFL**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM****20****540**

ADOLFO A. ROSARIO


CIVIL ACTION

v.
CHARLES R. HILDEBRAND, ESTES
EXPRESS LINES CORPORATION AND
ESTES EXPRESS LINESNO. **20 540**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>01/28/2020</u>	<u>Kenneth Millman, Esquire</u>	<u></u>
Date	Attorney-at-law	Attorney for Plaintiff
<u>(610) 372-3500</u>	<u>(610) 372-8671</u>	<u>kmillman@leisawitzheller.com</u>
Telephone	FAX Number	E-Mail Address

(Civ. 660) 10/02

JAN 30 2020